

1 Jason W. Estavillo (Bar No. 188093)
LAW OFFICE OF JASON ESTAVILLO
2 1330 Broadway, Suite 933
Oakland, CA 94612
3 Telephone: (510) 982-3001
Facsimile: (510) 982-3002

4 Attorney for Muhamed and Sophia Almutarreb
5
6
7
8

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 MUHAMED ALMUTARREB and SOPHIA
12 ALMUTARREB,

13 Plaintiffs,

14 vs.

15 BANK OF NEW YORK TRUST COMPANY,
N.A., as successor Trustee to JPMORGAN
16 CHASE BANK, as original Trustee for the
MERRILL LYNCH MORTGAGE
17 INVESTORS SURF TRUST SERIES 2005-
AB1; BAC HOME LOAN SERVICING, LP;
18 RECONTRUST COMPANY, N.A.,
MORTGAGE ELECTRONIC
19 REGISTRATION SYSTEMS; AND DOES 1-
100, INCLUSIVE,

20 Defendants
21
22
23
24
25
26
27
28

Case No. C12-03061-EMC

Judge: The Hon. Edward M. Chen

**STIPULATION TO CONTINUE THE
MOTION TO DISMISS AND CASE
MANAGEMENT CONFERENCE AND
[PROPOSED] ORDER
AMENDED**

Date Action Filed: June 14, 2012
Trial Date: None set.

TO THE COURT IN THE ABOVE ENTITLED ACTION:

Defendants Bank of New York Trust Company, N.A., as successor Trustee to JPMorgan Chase Bank, as original Trustee for the Merrill Lynch Mortgage Investors Surf Trust Series 2005-ABI; Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, LP; ReconTrust Company, N.A.; Mortgage Electronic Registration Systems, Inc., and Plaintiffs Muhamed Almutarreb and Sophia Almutarreb (collectively "Parties") by and through their counsel of record, hereby enter into the following stipulation to continue the Case Management Conference.

WHEREAS, On November 7, 2012, Plaintiffs Muhamed Almutarreb and Sophia Almutarreb ("Plaintiffs") filed their First Amended Complaint against Defendants Bank of New York Trust Company, N.A., as successor Trustee to JPMorgan Chase Bank, as original Trustee for the Merrill Lynch Mortgage Investors Surf Trust Series 2005-ABI; Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, LP; ReconTrust Company, N.A.; Mortgage Electronic Registration Systems, Inc. ("Defendants").

WHEREAS, On November 28, 2012, Defendants filed a Motion to Dismiss Plaintiffs' Complaint, pursuant to Federal Rules of Civil Procedure 12(b)(6) and Motion to Strike pursuant to Federal Rules of Civil Procedure 15(a)(1)(b).

WHEREAS, Defendants' Motions and the Case Management Conference are scheduled for January 31, 2013 at 1:30 p.m.

WHEREAS, Counsel to Plaintiffs has a scheduling conflict on January 31, 2013 and the parties are amenable to continuing the matter seven (7) days.

WHEREAS, Good cause exists to continue all matter set for January 31, 2013 in this matter to February 7, 2013.

WHEREFORE, The Parties, by and through their respective counsel of record, hereby

1 agree and request this Court to continue the Defendants' Motions and the Joint Case Management
2 Conference seven (7) days to February 7, 2012.

3
4 **IT IS SO STIPULATED.**

5
6 Dated: January 18, 2013

BRYAN CAVE LLP

7
8 By: /s/ Michelle M. Cammarata

Michelle M. Cammarata
Attorneys for Defendants BANK OF NEW
YORK TRUST COMPANY, N.A., as
successor Trustee to JPMorgan Chase Bank,
as original Trustee for the MERRILL
LYNCH MORTGAGE INVESTORS SURF
TRUST SERIES 2005-ABI; BANK OF
AMERICA, N.A., as successor by merger to
BAC HOME LOANS SERVICING, LP;
RECONTRUST COMPANY, N.A.;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

14
15 Dated: January 18, 2013

LAW OFFICE OF JASON ESTAVILLO

16
17 By: /s/Jason W. Estavillo

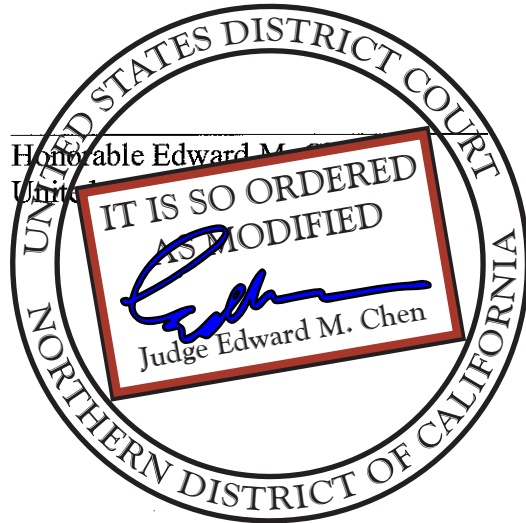
Jason W. Estavillo
Attorney for Plaintiffs
Muhammed and Sophia Almutarreb

[PROPOSED] ORDER

Having reviewed the above stipulation of Defendants Bank of New York Trust Company, N.A., as successor Trustee to JPMorgan Chase Bank, as original Trustee for the Merrill Lynch Mortgage Investors Surf Trust Series 2005-ABI; Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, LP; ReconTrust Company, N.A.; Mortgage Electronic Registration Systems, Inc. ("Defendants"), and Plaintiffs Muhamed Almutarreb and Sophia Almutarreb ("Plaintiffs") and good cause appearing therefore, Defendants' Motion to Dismiss and Motion to Strike, along with the Case Management Conference scheduled for January 31, 2013 are hereby continued to February 7, 2013 at 1:30 pm. An updated joint CMC statement shall be filed by 1/31/13.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/24/13



PROOF OF SERVICE

Re:	Almutarreb v. Bank of New York Trust Company, et al.
Court:	Northern District Court Case No. CV 12-03061 DMR
Represents:	Muhamed and Sophia Almutarreb

I declare that I am over the age of 18, not a party to the above-entitled action; I am an employee of Law Office of Jason W. Estavillo whose business address is 1330 Broadway, Suite 933, Oakland, CA 94612.

On **January 18, 2013**, I served the following document(s) in the following manner(s):

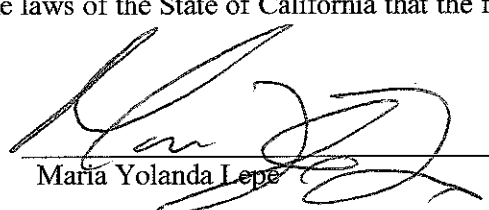
**STIPULATION TO CONTINUE THE MOTION TO DISMISS AND CASE MANAGEMENT
CONFERENCE AND [PROPOSED] ORDER**

- ☐ **MAIL:** By placing the document(s) listed below in a sealed envelope with postage thereon, in the United States mail at Oakland, California, addressed as set forth below.
- ☐ **FACSIMILE:** By transmitted a true copy, via facsimile electronic equipment transmission (fax) to the office(s) of the addressee(s) at the fax number(s) below.
- ☐ **PERSONAL DELIVERY:** By personally delivering to and leaving a true copy thereof with the following person(s) at the following address(es) on the date set forth above.
- ☐ **PERSONAL DELIVERY BY MESSENGER:** By consigning the document(s) listed below to a messenger service for personal delivery to the following person(s) at the following address on the date set forth below.
- ☒ **ELECTRONIC SERVICE:** Via Pacer service

See Pacer email/notice

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: **January 18, 2013**


Maria Yolanda Lepe